

Serial No.: 09/588,443
Attorney Docket No.: E-848

Patent

REMARKS

1. Status of Claims

Claims 1-15 were pending in the Application. Applicant has amended claims 1 and 6 without prejudice or disclaimer for merely cosmetic reasons. Applicant respectfully requests entry of the above amendments and consideration of the enclosed remarks. Applicant submits that no new matter is added. Accordingly, claims 1-15 will remain pending in the application.

The Examiner has apparently withdrawn all rejections based upon prior art.

2. Rejections under 35 USC section 112

In section 3 of the Office Action starting on page 2, the Examiner rejects claims 1, 6 and 11 under 35 U.S.C. section 112, first paragraph as allegedly failing to comply with the enablement requirement.

The Examiner has propounded several unsupportable arguments regarding the claim term "transaction data" and has not clearly articulated a rejection early in the process as required. See MPEP 706. The application is already beyond a Request For Continued Examination and there are not prior art rejections.

Applicant respectfully submits that Applicant is not required to point out specific equivalents in the specification as apparently suggested by the Examiner. Applicant submits that the claims clearly meet the standard for patentability under 35 U.S.C. section 112 and that the rejection is not supportable. The specification provides illustrative embodiments that teach transaction data more than sufficiently to enable the claims. The Examiner states in the Office Action that the term "transaction data." The term transaction data is used in the specification at least 17 times. Applicant again respectfully notes the discussion of transaction data at page 5, line 13 through page 6, line 15 in reference to Fig. 2 and reference numeral 210 as

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well as the description at page 7, line 10 through page 9 line 17 and Figs. 4-5 and step 506.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections.

Applicant's undersigned attorney again respectfully invites the Examiner to telephone to further discuss the application in order to further prosecution.

In section 4 of the Office Action starting on page 3, the Examiner rejects claims 1-15 under 35 U.S.C. section 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully traverses the rejection. Applicant respectfully disagrees with the Examiner's statement of utility in the rejection limiting the claim to postage meters and submits that the rejection is not supportable.

As discussed above, Applicant respectfully submits that Applicant is not required to point out specific equivalents in the specification as apparently suggested by the Examiner. Applicant again respectfully notes the discussion of transaction data at page 5, line 13 through page 6, line 15 in reference to Fig. 2 and reference numeral 210 as well as the description at page 7, line 10 through page 9 line 17 and Figs. 4-5 and step 506. Applicant submits that the claims clearly meet the standard for patentability under 35 U.S.C. section 112 and that the rejection is not supportable.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections.

Applicant's undersigned attorney again respectfully invites the Examiner to telephone to further discuss the application in order to further prosecution.

3. Rejections under 35 USC section 101

In section 3 [sic, probably 5] of the Office Action starting on page 3, the Examiner rejects claims 1-10 under 35 U.S.C. section 101. Applicant respectfully traverses the rejection.

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The Examiner provides several pages of form support for the rejection and on page 6 states that claims 1 and 6 are method claims and further that they do not recite a useful, concrete and tangible result and that they do not recite structural limitations. Applicant initially notes that claim 1 is directed toward a system and has made a cosmetic amendment to recite a data processing system. Applicant submits that the currently claimed system of claim 1 provides at least one useful, concrete and tangible result by describing a system for generating a recipient profile of messages intended for the defined recipient that have been processed by the plurality of messaging system.

Regarding the rejection of claim 6, Applicant submits that structural limitations are not required. However, claim 6 does indeed refer to interacting with several data processing and messaging systems. Additionally, Applicant submits that the currently claimed system of claim 6 provides at least one useful, concrete and tangible result by describing a system for generating a recipient profile. Clearly the rejections under 35 U.S.C. section 101 are not supportable and should be withdrawn.

The dependent claims are patentable for at least the reasons stated above. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections.

4. Conclusion Of Remarks

For at least the reasons stated above, it is respectfully submitted that the claims of this application are in condition for allowance and early and favorable action thereon is requested.

If the Examiner believes that additional issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned attorney for Applicant at (203) 924-3180.

5. Authorization

Please charge the required fee as specified in the Amendment Transmittal letter enclosed herewith. However, the Commissioner is hereby authorized to charge

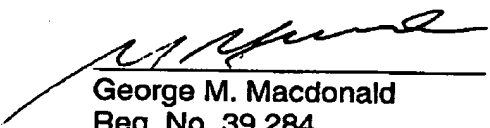
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any additional fees which may be required for the response or credit any overpayment to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. E-848.

In the event that an extension of time or additional extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely. The Commissioner is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. E-848.

Respectfully submitted,



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